

U.S. Patent Application No. 10/656,639
Amendment dated June 21, 2006
Reply to Office Action of April 18, 2006

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REMARKS

A. Amendment After Final

1. Supplemental Amendment

Pursuant to 37 CFR section 1.116, an amendment after final may be admitted touching the merits of the application upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented. It is believed that the present amendments are necessary as the same place the case in condition for allowance and, therefore, should be entered. (See MPEP 714.12 reciting that "any amendment that will place the application . . . in condition for allowance . . . may be entered."). Moreover, the present amendment is in response to information obtained during a telephone conversation with the Examiner in charge of the patent application that occurred on 21 July 2006 and in view of the remark in the Advisory Action date 17 July 2006. Specifically, it was stated in the Advisory action that the claims, as amended in the Amendment after Final would be read-on references specified therein. As a result, Applicants have not had an opportunity to address these comments earlier.

Moreover, it is clear that the Examiner had considered the amended claims presented in the Amendment After Final based upon the findings in Section I of the Advisory Action in which it was stated that the claims would still be rejected. In light of this new finding by the Examiner Applicants had been made aware of more exacting language to clearly place the case in condition for allowance. Therefore, in the spirit of avoiding piecemeal prosecution Applicants respectfully contend that the present amendments be entered and the application move forward to allowance.

2. Amendment After Final

In the Advisory action, the Examiner correctly pointed out that the Kinjo reference was previously cited in an earlier Office action, as opposed to being First Presented on final. The undersigned apologizes for this oversight. In fact, the undersigned intended to say that it was the McKenney reference that was first presented on Final and that it was that reference that Applicant had not had an earlier opportunity to address. Nonetheless, this appears this situation appears to be moot in light of the Advisory action.

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B. Rejected Claims

Claim 1

Claim 1 was rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Garrett et al. in view of McKenney. Claim 1 has been amended to include features analogous to features previously recited in claim 13. To that end, amended claim 1 defines a system that includes, *inter alia*, a first controller responsive to a command received from a processor to commence transmission of data from a first random access memory location to a second random access memory location, wherein the command specifies the first and second random access memory locations, with the first controller monitoring operation of the processor to terminate the transmission of the data to the second random access memory location, during transmission of the quantity thereto, in response to the processor generating a write request to the second random memory location. In the Office action it is admitted that neither Garrett et al. nor McKenney discloses these features. (See Office Action page 13). It was alleged that "Kinjo discloses a system for transferring data from one memory location to another 'wherein in response to a write request for the second memory location prior to completion of the copy, the controller cancels complete of the copy for the part of the second memory location subject to the write request.'" See *id.* In support of this contention cited was the Kinjo text bridging column 4, line 65 to column 5, line 3.

However, the aforementioned text in Kinjo makes clear that transmission of data during a copy operation is never interrupted during transmission of a quantity data to be copied. Specifically, Kinjo states that write access occurs either upon completion of a memory copy operation, see column 2, lines 60-65, or before the memory copy operation is performed, see column 2, line 65 to column 3, line 3. As a result, Kinjo advocates that the canceling of a memory copy operation upon completion of the write access to the memories and before the memory copy operation is performed, i.e., there is no interruption of the copying of data during the memory copy operation. See *id.* As a result, Applicant respectfully contends that Kinjo teaches away from the claimed invention in which the transmission of the data to the second random access memory location is terminated, before the quantity has been transmitted thereto, in response to the processor generating a write request to the second random memory location.

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Moreover none of the remaining prior art references overcome the deficiencies of Kinjo. Therefore, based upon the foregoing, Applicant respectfully contends that a *prima facie* case of obviousness is not present with respect to claim 1, as amended.

Claim 22

Claim 22 is amended to define a method of operating a computer system that includes, *inter alia*, commencing transmission of a quantity of data from a first random access memory location to a he second random access memory location; and terminating the transmission of the data to the second random access memory location, during transmission of the quantity thereto, in response to a processor generating a write request to the second random memory location. Applicant respectfully submits that the arguments set forth above with respect to amended claim 1 apply with equal weight here and that a *prima facie* case of obviousness is not present with respect to the method defined by claim 22, as amended, therefore.

3. Dependent Claims

Considering that the dependent claims include all of the features of the independent claims from which they depend, the dependent claims are patentable to the extent that the independent claims are patentable. As a result, Applicant respectfully contends that a *prima facie* case of obviousness is not present with respect to the dependent claims for the reasons set forth above with respect to the independent claims from which they depend.

Therefore, Applicant respectfully request further examination in view of the amendments and remarks set forth above. A Notice of Allowance is earnestly solicited. If the Examiner has any questions concerning the present amendment, the Examiner is

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kindly requested to contact the undersigned at (408) 774-6910. *The Commissioner is authorized to charge the one-month extension fee in the amount of \$120.00 to Deposit Account No. 50-0805 (Order No. SUNMP438).* A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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